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SUBJECT: ARGENTINE PROPOSAL ON COOPERATION FOR CONSERVATION OF THE
PATAGONIAN TOOTHFISH

¶1. (SBU) Charge received on July 15 a non-paper from Ambassador Antonio Trombetta, the Argentine MFA's Director of North American Affairs, and Marcelo Santos, National Director of Fishing Coordination at the Secretariat of Agriculture. The non-paper is a proposed MOU between the GoA and the USG intended to comply with the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), so that Argentina may resume exports of Patagonian toothfish to the U.S. (Note: These exports ceased in 2007, due to the GoA's refusal at that time to abide by NOAA regulations on reporting of catch locations. End Note.) Santos noted that the MFA's Director for Antarctic Affairs Ariel Mansi would lead the GoA delegation to the October CCAMLR meeting in Hobart, Australia. The complete text of the non-paper in its original Spanish follows in para 5, and an informal translation by the GoA follows in para 4. Both texts were also e-mailed to OES/OA.

¶2. (SBU) Trombetta cited the importance that the United States and Argentina place on preserving natural resources and noted that it was important for Argentina to resume exports of Patagonian toothfish (known in Spanish as "merluza negra") to the United States. Santos indicated that Argentine exports of this item to the United States had reached US\$16 million in 2006, the last full year before Argentina lost market access. "We want this to progress quickly," Trombetta said, noting GOA interest in finalizing the matter before the October meeting. Santos added that Argentina "had no problem complying with the requirement" about satellite transmission of fishing vessel locations, whether in real-time or in four-hour periods. He said that the GOA could share this information directly with the USG (NOAA) or with CCAMLR Secretariat, though he noted that the CCAMLR had previously declined to accept such data on the grounds that they were not required.

¶3. (SBU) Santos also explained that, due to Argentina's sovereignty dispute with the United Kingdom over the Malvinas/Falklands and other South Atlantic islands controlled by the U.K., the GoA did not have access to information on toothfish caught in one area that it considers to be Argentine territory -- the waters surrounding those islands. That, he said, is the meaning of Paragraph II of the GOA's proposed text.

¶4. (SBU) Informal GoA translation of non-paper:

NON-PAPER

DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN THE UNDERSECRETARIAT FOR FISHERIES AND AQUACULTURE OF THE ARGENTINE REPUBLIC AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OF THE UNITED STATES ON COOPERATION FOR THE CONSERVATION OF PATAGONIAN TOOTHFISH

Wishing to promote cooperation between both Parties in the field of conservation of the Patagonian Toothfish species.

Underlining the commitment of both Parties to the measures provided

for in the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)) regarding the conservation of such species.

Concerned about the negative impact of Illegal Fishing on the conservation of Patagonian Toothfish stocks.

Noting that Illegal Fishing undermines the objectives of fisheries management and may provoke the destruction of a fishery or hamper the rebuilding of fish stocks, which may cause huge economic and social losses and have negative effects on food security and the marine environment.

I. Agree on the following actions:

1. To exchange satellite positions of fishing vessels of both flags that catch Patagonian Toothfish as target species.

2. To exchange information on the control systems implemented by the Parties in relation to the catches of the said species by vessels of their respective flags.

3. To explore cooperation mechanisms in the scientific field in order to develop joint initiatives regarding Patagonian Toothfish stocks.

II. The Undersecretariat for Fisheries and Aquaculture of the Argentine Republic will not be able to exchange information on control systems implemented with regard to the catches of the said species in the waters surrounding the Malvinas Islands, due to the sovereignty dispute related to "the Question of the Malvinas Islands" derived from the illegitimate occupation of the Malvinas Islands, South Georgias and South Sandwich Islands and the surrounding maritime spaces by the United Kingdom of Great Britain

and Northern Ireland. This sovereignty dispute has been recognized by successive and repeated resolutions of the United Nations and declarations of the Organization of American States.

5. (SBU) Non-paper in Spanish:

NON-PAPER

MEMORANDUM DE ENTENDIMIENTO ENTRE LA SUBSECRETARIA DE PESCA Y ACUICULTURA DE LA REPUBLICA ARGENTINA Y ADMINISTRACION NACIONAL OCEANICA Y ATMOSFERICA DE LOS ESTADOS UNIDOS SOBRE COOPERACION PARA LA CONSERVACION DE LA MERLUZA NEGRA

Deseando promover la cooperacion entre ambas Partes en materia de conservacion de la especie Merluza Negra.

Subrayando el compromiso de ambas Partes con las medidas dispuestas en la Convencion para la Conservacion de Recursos Marinos Antarticos (CCRVMA) respecto de la conservacion de la citada especie.

Preocupados por el impacto negativo de la Pesca Ilegal sobre el estado de conservacion de las poblaciones de Merluza Negra.

Observando que la Pesca Ilegal impide el logro de los objetivos de la ordenacion pesquera pudiendo provocar la destruccion de una pesqueria o imposibilitar la reconstruccion de las poblaciones icticas, lo que puede producir grandes perdidas economicas y sociales y tener efectos negativos sobre la seguridad alimentaria y el medio ambiente marino.

I. Se acuerdan las siguientes acciones:

1.- Intercambiar las posiciones satelitales de las mareas de los buques pesqueros de ambas banderas que capturen Merluza Negra como especie objetivo.

2.- Intercambiar informacion sobre los sistemas de control implementados por las Partes respecto de las capturas efectuadas por buques de las respectivas banderas respecto de la citada especie.

3.- Explorar mecanismos de cooperacion en materia cientifica para desarrollar iniciativas conjuntas de investigacion respecto de las poblaciones de Merluza Negra.

II. La Subsecretaria de Pesca y Acuicultura de la Republica Argentina se vera imposibilitada de intercambiar informacion sobre los sistemas de control implementados respecto de las capturas de la citada especie efectuadas en aguas circundantes a las Islas Malvinas, en razon de la existencia de la disputa de soberania referida a la "Cuestion de las Islas Malvinas" derivada de la ilegítima ocupacion de las Islas Malvinas, Georgias del Sur y Sandwich del Sur y los espacios maritimos circundantes por parte del Reino Unido de Gran Bretana e Irlanda del Norte. Dicha disputa de soberania se halla reconocida por sucesivas y reiteradas resoluciones de la Organizacion de las Naciones Unidas y declaraciones de la Organizacion de Estados Americanos.

KELLY